



June 23, 2023

Xavier Becerra  
Secretary, U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, D.C. 20201

Subject: Clarifying Eligibility for a Qualified Health Plan Through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, a Basic Health Program, and for Some Medicaid and Children's Health Insurance (CMS-9894-P) (RIN 0938-AV23)

Dear Secretary Becerra,

Covered California is pleased to submit the following comments in support of the U.S. Department of Health and Human Services (HHS) proposed rule that streamlines the enrollment process and amends the definition of "lawfully present" to include Deferred Action for Childhood Arrivals DACA recipients.

With over 1.7 million members,<sup>1</sup> Covered California is the largest state-based health insurance Marketplace where consumers can purchase affordable, high-quality health coverage. Central to Covered California's mission are efforts to enroll eligible Californians into coverage to help reduce the state's uninsured rate and makes coverage more affordable for the entire market. Covered California applauds and appreciates HHS' commitment to expanding quality, affordable coverage, and reducing barriers for consumers obtaining such coverage.

Since the launch of the Affordable Care Act (ACA), California has made remarkable progress in reducing the rate of uninsured individuals, which has reached historic lows. However, there is more work to be done. Recent data regarding California's uninsured rate illustrates that an estimated 2.57M Californians are expected to remain uninsured in 2024. Of those uninsured roughly 520,000, or 27 percent, are undocumented.<sup>2</sup>

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<sup>1</sup> Covered California Media, *Covered California Finishes Open Enrollment with More Than 1.7 Million People Signed Up to Receive Quality Health Care Coverage* (March 9, 2023) Covered California <<https://www.coveredca.com/newsroom/news-releases/2023/03/09/>> [as of June 7, 2023]

<sup>2</sup> UC Berkeley Labor Center and Education UCLA Center for Health Policy Research, *California's Uninsured in 2024: Medi-Cal expands to all low-income adults, but half a million undocumented Californians lack affordable coverage options*. (March 2023) <<https://laborcenter.berkeley.edu/californias-uninsured-in-2024>> [as of June 8, 2023]

Further analysis illustrates that approximately 40,000 of these undocumented uninsured Californians are DACA recipients who, under the proposed rule, would qualify for subsidies through Covered California.<sup>3</sup>

Individuals with DACA have limited options for health insurance coverage if they do not have access to employer-sponsored insurance. A Kaiser Family Foundation analysis of the 2022 Current Population Survey Annual Social and Economic Supplement (CPS-ASEC) data found that 47 percent of individuals likely eligible for DACA were uninsured, compared to 10 percent of U.S.-born individuals in their age group<sup>4</sup>. Expanding marketplace coverage to DACA recipients aligns with the core principles of the ACA, ensuring that health care remains accessible and affordable to those who need it most.

We appreciate your consideration of our comments. We look forward to continuing our partnership with you to make the ACA work as effectively as possible and build on its foundation as we work to ensure that all Americans have access to affordable health coverage.

Sincerely,



Jessica Altman  
Executive Director

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<sup>3</sup> UC Berkeley Labor Center Blog, *Extending Covered California subsidies to DACA recipients would fill coverage gap for 40,000 Californians* (June 6, 2023) < <https://laborcenter.berkeley.edu/extending-covered-california-subsidies-to-daca-recipients-would-fill-coverage-gap-for-40000-californians/> > [as of June 8, 2023]

<sup>4</sup> Kaiser Family Foundation, *Key Facts on Deferred Action for Childhood Arrivals (DACA)* (April 13, 2023) <<https://www.kff.org/racial-equity-and-health-policy/fact-sheet/key-facts-on-deferred-action-for-childhood-arrivals-daca/>> [as of June 7, 2023]